



PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No:	Date:
2003 00793	March 5, 2004
Phone:	Suspense Date:
(505) 342-3280	March 26, 2004

In Reply Refer to:

District Engineer, ATTN: CESPA-OD-R

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material below the ordinary high water mark of Elephant Butte Reservoir to create a new access road and parking area for two relocated marinas. The project is located near Truth or Consequences, Sierra County, New Mexico. Details of the proposed project are provided below.

Name of Applicant: Elephant Butte Lake State Park, P.O. Box 13, Elephant Butte, New Mexico 87935-0013, phone (505) 744-5923 (ATTN: Ms. Kay Dunlap)

Location: The project is located south of Elephant Butte Dam and east of NM 177, in the vicinity of an historic concrete plant near Truth or Consequences, Sierra County, New Mexico, (33° 9.07' N Latitude, 107° 11.22' W Longitude).

Description of Work: The proposed work will involve the construction of a new access road and parking lot near Elephant Butte Dam. The road and parking lot will serve the Rock Canyon and the Dam Site Marinas which are relocating to a site near Elephant Butte Dam. The marinas are relocating because the water levels at their current locations are too low to allow continued operations. The existing road leading off of NM 177 will be improved to provide access to the relocated marinas by vehicles with trailers. A new access road will be constructed from this existing road down to a new parking area. The new access road below the ordinary high water (OHW) mark of the Elephant Butte Reservoir will be approximately

660 feet long by 24 feet wide. Approximately 5,660 cubic yards of fill material will be used to construct the compacted earthfill and gravel road (total amount for both the road embankment and the road surface). A water line for the relocated marinas will be buried in the road, while an electric line will be installed on a new power pole to serve the marinas. The new parking lot is located to the north and northwest of the historic power/concrete plant. The parking lot will have a polygon shape to take advantage of the maximum amount of level land. The new parking lot will be approximately 360 feet long by 160 feet wide. Approximately 4,077 cubic yards of fill material will be used to create the parking lot. The fill material for the new access road and parking lot will be obtained from three sites. Some of the material will be excavated from the Rio Grande, just west of the Paseo del Rio bridge (Mescal Canyon area), while the remaining fill material will be excavated from two sites on the reservoir shoreline, east of the new access road and parking lot. The access road will be extended to a maximum length of 810 feet if Elephant Butte continues to recede. The work will be conducted using equipment and operators from the staff of the New Mexico State Parks and Sierra County. The total quantity of fill material to be used on the road and parking lot will be approximately 10,000 cys. If the reservoir continues to recede, the applicant estimates that up to 80,000 cys of additional fill material may be needed to extend the road for an additional 150 feet. The work is planned to begin in March 2004 and to be complete by June 2004 (extension of the road to the current water level).

Purpose and Need: The stated purpose of the project is to provide access and parking for visitors to the Rock Canyon and Dam Site Marinas which are relocating to a site near Elephant Butte Dam. These marinas are relocating their operations due to the continuing low water levels at Elephant Butte Reservoir.

Related Work: Some work on the existing access road to the area from NM 177 will have to be done to allow large vehicles and vehicles with trailers to access the relocated marina operations. This work will include widening of the road, particularly at turns. This work will occur above the OHW mark of Elephant Butte Reservoir and will not require Section 404 authorization.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

NEWS RELEASE

James Wood
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435
(505) 342-3280

Statement of Findings: The applicant is in the process of surveying the proposed project area for the presence of archeological resources. The following measures shall be incorporated into any Section 404 permit issued for the project to minimize impacts to cultural resources - a) The Bureau of Reclamation, in conjunction with Elephant Butte Lake State Park, shall complete cultural resource surveys and documentation for the two proposed quarry sites on the reservoir and including photography for LA 103971 (Elephant Butte Historic District, which includes historic construction camp buildings, structures, and features). A stone wall constructed by the Civilian Conservation Corps (CCC) is also located along the existing access road to the west of new access road. The applicant plans to cover a portion of this wall with earthen fill material (above the OHW mark) as part of the access road portion of the project. If no other alternative to the covering of this wall is available, the CCC rock wall will be adequately documented (including photography); and b) The Bureau of Reclamation will provide a copy of the documentation package to the New Mexico State Historic Preservation Officer (NMSHPO) and complete consultation for the proposed project prior to construction. Documentation of completed consultation/NMSHPO concurrence will be provided to the U.S. Army Corps of Engineers (Corps).

It is possible that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the work at the discovery site will stop and the NMSHPO and the Corps will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for Sierra County, New Mexico:

Bald Eagle (*Haliaeetus leucocephalus*) - T
Black-Footed Ferret (*Mustela nigripes*) - E
Chiricahua Leopard Frog (*Rana chiricahuensis*) - T
Gila Trout (*Oncorhynchus gilae*) - E
Mexican Spotted Owl (*Strix occidentalis lucida*) - T/CH
Northern Aplomado Falcon (*Falco femoralis septentrionalis*) - E
Rio Grande Silvery Minnow (*Hybognathus amarus*) - E/CH
Southwestern Willow Flycatcher (*Empidonax traillii extimus*) - E/CH
Todsens's Pennyroyal (*Hedemora todsonii*) - E/CH
Whooping Crane (*Grus americana*) - E

Our preliminary review indicates this project will not impact any of these threatened or endangered species or their critical habitat.

The applicant has applied to the New Mexico Environment Department for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the Albuquerque District Office, U.S. Army Corps of Engineers, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than **March 26, 2004**. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

Department of Public Safety
State Floodplain Coordinator
Attn: Mr. Bill Borthwick
email: wborthwick@dps.state.nm.us
Phone: 505-476-9617

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst
Lieutenant Colonel, U.S. Army
District Engineer

Enclosure